

Mail Stop Amendment

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 21 2005

DN A01195

In re application of: Jacobson, et.al.

Serial No.: 10/645,427 : Group Art Unit: 1617
Filed: 08/21/03 : Examiner: S. Clardy
For: A Method to Inhibit Ethylene Responses in Plants

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

RESPONSE

December 21, 2005
Date

Thomas D. Rogerson
Signature

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Dear Sir:

RESPONSE

This is in response to the Office Action dated September 23, 2005 for the above-identified application.

REMARKS

Claims 1-8 are pending. Claims 1-8 are rejected.

Rejection under 35 USC §103(a)

Claims 1-8 are rejected under 35 USC §103(a) as being unpatentable over the combined teachings of Daly et al (US 6,017,849) and Sisler (US 6,65,549). Daly teaches substituted cyclopropene compounds with up to four different R groups which may be further substituted and Sisler teaches extensive substitution on the cyclopropene core.

Daly, in fact, teaches only a limited substitution pattern on the cyclopropene ring. Substituents are from one to four of hydrogen, C₁-C₄ alkyl, hydroxy, halogen, C₁-C₄ alkoxy, amino, and carboxy. No substituent group with greater than four atoms is disclosed or taught and the identity of the allowed groups is severely limited. Only one compound is exemplified, 1-methylcyclopropene. Daly teaches that the most preferable number of substituents is one (col. 9, lines 35-36) and the most preferable substituents are small groups (hydrogen, halogen, amino, carboxy), especially methyl.